IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

TUESDAY, THE 3RD APRIL 2007 / 13TH CHAITHRA 1930

WP(C).No. 1776 of 2007(J)

PETITIONERS:

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1. DR.K. RADHAKRISHNAN,
   LECTURER IN MATHEMATICS,
   NSS COLLEGE, NILAMEL.

2. RAMKUMAR, LECTURER IN MATHEMATICS,
   NSS COLLEGE, CHERTHALA.

3. JAYASREE, LECTURER IN MATHEMATICS,
   NSS COLLEGE, DHANUVACHAPURAM.

BY ADV. SRI.P.C.SASIDHARAN

RESPONDENTS:

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1. THE STATE OF KERALA,
   REPRESENTED BY ITS SECRETARY TO
   HIGHER EDUCATION DEPARTMENT,
   THIRUVANANTHAPURAM.

2. THE DIRECTOR OF COLLEGIATE
   EDUCATION, THIRUVANANTHAPURAM.

3. THE DEPUTY DIRECTOR OF COLLEGIATE
   EDUCATION, KOLLAM.

4. THE DEPUTY DIRECTOR OF COLLEGIATE
   EDUCATION, ERNAKULAM.

5. THE KERALA UNIVERSITY,
   REPRESENTED BY ITS REGISTRAR,
   THIRUVANANTHAPURAM.

6. SECRETARY, NSS COLLEGES CENTRAL
   COMMITTEE, CHANGANASSERY, KOTTAYAM (MANAGER,
   NSS COLLEGES).

7. THE PRINCIPAL, NSS COLLEGE,
NILAMEL.

8. THE PRINCIPAL, NSS COLLEGE,
CHERTHALA, ALAPPUZHA.

9. THE PRINCIPAL, NSS COLLEGE,
DHANUVACHAPLURAM, THIRUVANANTHAPURAM.

R5 BY ADV. SRI.M.RAJAGOPALAN NAIR
R6 BY ADV.SRI.P.G.PARAMESWARA PANICKER (SR.)
SRI.P.GOPAL
R1 TO R4 BY GOVT. PLEADER SMT. M.R. SREELATHA.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 03/04/2007, ALONG WITH WPC NO.7606 OF 2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.M.JOSEPH, J.

W.P.(C).NOs.1776 & 7606 OF 2007

Dated this the 3rd day of April, 2007

JUDGMENT

Complaint of the petitioners in both these cases is regarding non-payment of salary inspite of the approval granted by the University. In W.P.(c)No.1776/06, the order of approval is Ext.P3. Petitioner relies on the judgment of this court in **Cherian Mathew v. Principal, S.B.College, Changanassery** (1998(2)KLT 144) and in Amina's case.

2. I heard learned counsel for the petitioner, learned standing counsel appearing for the respondents and learned Government Pleader also.

In such circumstances, the writ petitions are disposed of as follows:

In W.P.(C)No.1776/07, respondents 3 and 4 will place their objections in respect of the appointments of the petitioners coming

under their jurisdiction before the fifth respondent within a period of one month from the date of receipt of a copy of this judgment. The fifth respondent will consider each and every objections meticulously and pass reasoned order within a period of one month from the date of receipt of the objection. A copy of the order shall be communicated to the petitioner and also to the concerned Deputy Director among respondents 3 and 4. If the fifth respondent reiterates Ext.P3, the decision in Cherian Mathew's case will apply and the monetary benefits due to the petitioners will be disbursed to the petitioners without any further delay.

As far as W.P.(C)No.7606/07 is concerned, the appointment of the petitioner was approved by Ext.P3. Therefore, the third respondent will place his objection to Ext.P3 in relation to the petitioner before the fourth respondent within a period of one month from the date of receipt of a copy of this judgment. The fourth respondent will consider each and every objections meticulously and pass reasoned order within a period of one month

from the date of receipt of the objection. A copy of the order shall be communicated to the petitioner and the third respondent. If the decision taken by the fourth respondent is to reiterate Ext.P3 in relation to the petitioner, the decision in Cherian Mathew's case will apply and the monetary benefits will be disbursed without any further delay.

Learned counsel for the petitioner in W.P.(C)No.7606/07 submits that after Ext.P3, salary was paid. But later, it was ordered to be recovered vide Ext.P4. If the decision of the University is to reiterate Ext.P3, the amounts which have been recovered shall be paid to the petitioner without any further delay.

K.M.JOSEPH
JUDGE

sv.